

# EXHIBIT L

MARK DUCKETT

SIOUX STEEL vs. KC ENGINEERING

12/01/2017

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF SOUTH DAKOTA  
3 SOUTHERN DIVISION  
4 CIV. 15-4136

5 SIOUX STEEL COMPANY, a South Dakota  
6 corporation,

7 Plaintiff,

8 vs.

9 KC ENGINEERING, P.C., an Iowa  
10 corporation,

11 Defendant.  
12 \_\_\_\_\_/

13 DEPOSITION OF  
14 MARK R. DUCKETT

15 Taken on behalf of the Defendant  
16 via videoconference

17 DATE TAKEN: December 1, 2017  
18 TIME: 12:26 p.m. - 2:04 p.m.  
19 PLACE: 4440 PGA Boulevard  
20 Palm Beach Gardens, Florida

21  
22 Stenographically Reported by:

23 Lisa Gropper, R.P.R., F.P.R.  
24 Olender Legal Solutions  
25 477 S. Rosemary Avenue - Suite 202  
West Palm Beach, Florida 33401  
(561) 822-4626

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<p>1 design review, correct? 58</p> <p>2 A I have a bunch of stuff from KC Engineering.</p> <p>3 Are you referring to the computer printouts or the hand</p> <p>4 calcs or both?</p> <p>5 Q The hand calculations.</p> <p>6 A Yes.</p> <p>7 Q And, in fact, I think you even referenced them</p> <p>8 somewhere in your report that the panels at issue were</p> <p>9 actually hand drawn on one of those hand calculation</p> <p>10 sheets, correct?</p> <p>11 A That is correct.</p> <p>12 Q You'll agree with me that a review of those</p> <p>13 hand calculations makes it readily apparent that KC</p> <p>14 Engineering did not review the vertical seam at issue,</p> <p>15 correct?</p> <p>16 A I would not only agree with that statement, I</p> <p>17 would say it was just shocking for me to see that they</p> <p>18 were smart enough or -- or were reasonable enough in</p> <p>19 their duty as a reviewing engineer to check the stresses</p> <p>20 in the material itself but then didn't go the extra</p> <p>21 step, that probably would have taken less than 15</p> <p>22 minutes, to check the connections of those panels</p> <p>23 themselves.</p> <p>24 Q Correct. And that jumped off the page at</p> <p>25 you --</p>	<p>1 Q Sure. If you hire me to do a design review of 60</p> <p>2 some work of yours -- okay -- and I do that, and I</p> <p>3 produce a report and my calculations and my handwritten</p> <p>4 calcs to you, do you have a duty and obligation to</p> <p>5 review what I gave to you in my design review?</p> <p>6 A Oh. Thank you for clarifying that. I</p> <p>7 certainly misunderstood what you said before.</p> <p>8 Not at all. Zero duty. That's why I paid</p> <p>9 you. If you -- if you supply me with a letter saying,</p> <p>10 Hey, Mark, thanks -- thanks for the \$10,000 that you</p> <p>11 paid me to do this; here's my letter certifying that</p> <p>12 everything is okay -- you're an engineer; you're a</p> <p>13 professional. I'm not going to review all your numbers.</p> <p>14 It's a one-way street. It doesn't work both</p> <p>15 ways. I don't have to go back -- there's no duty on my</p> <p>16 part -- there's no standard of care definition for me to</p> <p>17 go back and review the reviewer's review of my work.</p> <p>18 Q So you just would take my word at absolute</p> <p>19 face value and you would be satisfied in just assuming</p> <p>20 that I must be right?</p> <p>21 A I've done that in the past. I seek out</p> <p>22 professionals that I'm comfortable with. That's exactly</p> <p>23 what Sioux Steel did. They reached out to KC</p> <p>24 Engineering, who they know are good engineers, that they</p> <p>25 do this kind of work. They paid them what KC</p>
<p>1 A It did. 59</p> <p>2 Q -- correct?</p> <p>3 A Absolutely.</p> <p>4 Q As an engineer, you immediately could</p> <p>5 recognize that a connection point was not reviewed --</p> <p>6 A Correct.</p> <p>7 Q -- correct?</p> <p>8 A Correct, yeah.</p> <p>9 Q Do you believe that when an engineer sends</p> <p>10 material out for a design review, do you believe that</p> <p>11 the designer has a duty and obligation to actually look</p> <p>12 at the papers that the engineer receives back from the</p> <p>13 design reviewer?</p> <p>14 A Are you -- are you talking about the situation</p> <p>15 where a design engineer hires another engineer to review</p> <p>16 his work? Is that what we're talking about?</p> <p>17 Q Correct.</p> <p>18 A So are you asking me is it my opinion that the</p> <p>19 person who hires an engineer to review his work is</p> <p>20 required to send his work to be reviewed?</p> <p>21 Q No.</p> <p>22 A I'm sorry. Then I misunderstood.</p> <p>23 Q Just answer my question.</p> <p>24 A I misunderstood. Can you repeat your</p> <p>25 question?</p>	<p>1 Engineering asked. KC Engineering did their review. 61</p> <p>2 They found what they thought to be an issue, which later</p> <p>3 turned out to be a non-issue, certified that the</p> <p>4 structure was fine, no qualifications. There's no duty.</p> <p>5 Would it be great? Sure. But there's no duty for Sioux</p> <p>6 Steel to go back and review the reviewer's review.</p> <p>7 Q So you give Chad Kramer a free pass that he</p> <p>8 could have easily caught this whole entire thing had he</p> <p>9 just thumbed through those 28 pages that KC provided to</p> <p>10 him during the design review?</p> <p>11 A It was more like 1,028 pages that they gave</p> <p>12 him, because they gave him the full printout from the</p> <p>13 computer. That was my understanding.</p> <p>14 Q No. You understand that the hand calcs are</p> <p>15 only 28 pages?</p> <p>16 A Yes, but that's not what I said.</p> <p>17 Q Okay.</p> <p>18 A In totality, I believe they --</p> <p>19 Q I'm asking --</p> <p>20 A -- they gave them more than that. Could he --</p> <p>21 Q Well, let's not quibble on something</p> <p>22 completely unimportant about that. You're giving</p> <p>23 Mr. Kramer a complete pass for not reviewing, even in a</p> <p>24 cursory fashion, the work papers that KC Engineering</p> <p>25 gave to him?</p>

866.420.4020